

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Roy Daniel Durham

Docket No. 5:18-CR-167-1D

Petition for Action on Supervised Release

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Roy Daniel Durham, who, upon an earlier plea of guilty to Possession of a Firearm and Ammunition by a Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), was sentenced by the Honorable James C. Dever III, U.S. District Judge, on December 16, 2019, to the custody of the Bureau of Prisons for a term of 84 months. The court further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of three (3) years.

Roy Daniel Durham was released from custody on April 28, 2023, at which time the term of supervised release commenced.

On May 21, 2024, a Violation Report was submitted to the court advising that Durham tested positive for marijuana on May 6, 2024. Durham denied knowingly using marijuana. Supervision was continued with a referral for counseling while remaining in the probation office's urinalysis testing program.

On July 8, 2024, a Violation Report was submitted to the court after the defendant tested positive for marijuana on May 28, 2024. The defendant denied using marijuana; however, the laboratory concluded that Durham used marijuana, or a product containing Delta 9 THC after the test on May 6, 2024, and prior to the test on May 28, 2024. The court agreed to hold the violation in abeyance pending a laboratory review of a test submitted on June 11, 2024.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On June 11, 2024, Durham tested positive for marijuana for the third time since May 6, 2024. Durham denies using marijuana, but laboratory testing concluded that the defendant used marijuana after his test on May 28, 2024, and prior to the test collection on June 11, 2024. While Durham denies using marijuana, he acknowledged the validity of the laboratory testing. Durham stated he purchased "weed" from a vape store, but he was under the impression there was no marijuana in the product he purchased. Durham will remain in the probation office's urinalysis testing program, as well as counseling. To address the defendant's noncompliance, the probation office is recommending the defendant's movements within the community be minimized for 60 days by placing the defendant on a curfew with location monitoring. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ C. Lee Meeks, Jr.
C. Lee Meeks, Jr.
Supervising U.S. Probation Officer

/s/ Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8808
Executed On: July 12, 2024

ORDER OF THE COURT

Considered and ordered this 15 day of July, 2024, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
U.S. District Judge